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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.
08/999,297	12/29/97	POOL	E	0090-001

TM11/0629

EXAMINER

ROBERT G LEV -4766 MICHIGAN BOULEVARD YOUNGSTOWN OH 44505 MILLIN, V

ART UNIT

PAPER NUMBER

2164

26

DATE MAILED:

06/29/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Advisory Action

Application No. 08/999,297

Applicant(s)

Pool et al

Examiner

**Geoffrey Akers** 

Art Unit 2164



THE REPLY FILED	The MAILING DATE of this communication appears on the cover sheet with the correspondence address
Interefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection, under 37 CFR 1.13 may only be either; (1) a timely filed amondment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal feet); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.    The PERIOD FOR REPLY (check only a) or b)	THE PEDI VEILED Jun 12, 2001 EARLY TO BLACE THIS ARRIVES ARRIVED TO BLACE THIS ARRIVES ARRIVED TO BLACE THIS ARRIVES ARRIVED TO BLACE THIS ARRIVED THE BLACE THIS ARRIVED TO BLACE THIS ARRIVED THE BLA
rejection under 37 CFR 1.113 may only be either: (1) a timely filled amendment which places the application in condition for allowance; (2) a timely filled Notice of Appeal (with appeal fee); or (3) a timely filled Notice of Appeal (with appeal fee); or (3) a timely filled Notice of Appeal (with appeal fee); or (3) a timely filled Notice of Appeal (with appeal fee); or (3) a timely filled Notice of Appeal (with appeal fee); or (3) a timely filled Notice of Appeal (with appeal fee); or (3) a timely filled Notice of Appeal (with appeal fee); or (3) a timely filled Notice of Appeal (with appeal fee); or (3) a timely filled Notice of the Appeal fee in the	Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper raphy to a final
allowance; (2) a timely filed Notice of Appeal (with appeal feet); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  THE PERIOD FOR REPLY (check only a) or b)  In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is better. In one event, however, with the statutory period for the reply expires than SIX MONTHS from the mailing date of the final rejection.  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the called for purposes of determining the period of extension and the corresponding amount of the fee. The extension fee have been filed is the called for purposes of determining the period of extension and the corresponding amount of the fee. The extension fee have been filed is the called for purposes of determining the period of extension and the corresponding amount of the reply originally reply than the period of the submitted of the submitted of the submitted of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  A Notice of Appeal was filed on	rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for
THE PERIOD FOR REPLY (check only a) or b)  a) The period for reply expires	allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCF) in
a) ☐ The period for reply expires	compliance with 37 CFR 1.114.
b)	
expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will be statutory period for the reply expire later than SIX MONTH'S from the mailing date of the final rejection.  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filled is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filled is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filled is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee the final rejection, even if timely filed, may reduce any extension the shortened statutory period for reply originally extended the final rejection. The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.  3. ★ The proposed amendment(s) will not be entered because:  (a) ★ they raise new issues that would require further consideration and/or search. (See NOTE below);  (b) ★ they raise the issue of new matter. (See NOTE below);  (c) ★ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ★ they present additional claims without cancelling a corresponding number of finally rejected claims.  NOTE: SEE ATTACHED STATEMENT  4. ★ Applicant's reply has overcome the following rejection(s):  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):  Claim(s) objected to:  Claim(s) epiceded: 1-17	·
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extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CPR 1.17(a) is calculated from: (1) the expiration date of the final office action, or (2) as set forth in (0) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patient term adjustment. See 37 CPR 1.704(b).  1. A Notice of Appeal was filed on	is later. In no event, nowever, will the statutory period for the reply expire later than SIX MONTHS from the mailing date of the final rejection.
and the land control exaction, or even if timely filled, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  1. A Notice of Appeal was filled on	Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate
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The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.  In the proposed amendment(s) will not be entered because:  (a) ★ they raise new issues that would require further consideration and/or search. (See NOTE below);  (b) ★ they raise the issue of new matter. (See NOTE below);  (c) ★ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ★ they present additional claims without cancelling a corresponding number of finally rejected claims.  NOTE: ★ SEE ATTACHED STATEMENT  4. ★ Applicant's reply has overcome the following rejection(s):  Newly proposed or amended claim(s) ★ would be allowable if submitted in separate, timely filed amendment cancelling the non-allowable claim(s).  The a) ★ affidavit, b) ★ exhibit, or c) ★ application in condition for allowance because:  7. ★ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  8. ★ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):  Claim(s) objected to: ★ Claim(s) rejected ★ 1-17 as finally rejected	1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in
The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.  In the proposed amendment(s) will not be entered because:  (a) ★ they raise new issues that would require further consideration and/or search. (See NOTE below);  (b) ★ they raise the issue of new matter. (See NOTE below);  (c) ★ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ★ they present additional claims without cancelling a corresponding number of finally rejected claims.  NOTE: ★ SEE ATTACHED STATEMENT  4. ★ Applicant's reply has overcome the following rejection(s):  The a) ★ Applicant's reply has overcome the following rejection(s):  The a) ★ Applicant's reply filed amendment cancelling the non-allowable claim(s).  The a) ★ Application in condition for allowance because:  7. ★ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  8. ★ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):  Claim(s) objected to:  Claim(s) rejected: 1-17 as finally rejected	37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
(a) ⊠ they raise new issues that would require further consideration and/or search. (See NOTE below);  (b) ☐ they raise the issue of new matter. (See NOTE below);  (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.  NOTE: SEE ATTACHED STATEMENT  4. ☐ Applicant's reply has overcome the following rejection(s):  ———————————————————————————————————	2. The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with
(b) ☐ they raise the issue of new matter. (See NOTE below); (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.  NOTE: SEE ATTACHED STATEMENT  4. ☐ Applicant's reply has overcome the following rejection(s):  ———————————————————————————————————	3. X The proposed amendment(s) will not be entered because:
(c) ⊠ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.  NOTE: SEF ATTACHED STATEMENT  4. ☐ Applicant's reply has overcome the following rejection(s):  ———————————————————————————————————	(a) ☑ they raise new issues that would require further consideration and/or search. (See NOTE below);
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Applicant's reply has overcome the following rejection(s):    Solid Newly proposed or amended claim(s)	
5. Newly proposed or amended claim(s)	NOTE: <u>SEE ATTACHED STATEMENT</u>
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Claim(s) rejected: 1-17 as finally rejected	Claim(s) objected to:
	Claim(s) rejected: 1-17 as finally rejected
9 The proposed drawing correction filed on	9. The proposed drawing correction filed ona) has b) has not been approved by the Examiner.
10. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s).	_
11. Other:	i1. □ Other: